

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED
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JUL 15 2004

U.S. DISTRICT COURT
DISTRICT OF MASS.

BPB, LLC and HOMEBASE
PROPERTIES, LLC d/b/a Munchies',
Plaintiffs.

v.

JOSEPH J. MILLER,
Defendant.

v.

RE/MAX INTEGRITY REALTORS, INC.,
Third Party Defendant.

DOCKET NO. 04-30021-MAP

**PLAINTIFF, BPB, LLC AND HOMEBASE PROPERTIES, LLC'S ANSWER TO
THIRD-PARTY DEFENDANT'S COUNTERCLAIM**

Now come the Plaintiffs, BPB, LLC and Homebase Properties, LLC d/b/a Munchies' ("Plaintiffs") and answer third-party defendant, RE/MAX Integrity Realtors', counterclaim as follows:

1. Plaintiffs admit the allegations set forth in Paragraph 1 of Third-Party Defendant's counterclaim.
2. Plaintiffs admit the allegations set forth in Paragraph 2 of Third-Party Defendant's counterclaim.
3. Plaintiffs admit the allegations set forth in Paragraph 3 of Third-Party Defendant's counterclaim.
4. Plaintiffs admit the allegations set forth in Paragraph 4 of Third-Party Defendant's counterclaim.
5. Plaintiffs admit the allegations set forth in Paragraph 5 of Third-Party Defendant's counterclaim.

6. Plaintiffs admit the allegations set forth in Paragraph 6 of Third-Party Defendant's counterclaim.

7. Plaintiffs admit the allegations set forth in Paragraph 7 of Third-Party Defendant's counterclaim.

8. Plaintiffs admit the allegations set forth in Paragraph 8 of Third-Party Defendant's counterclaim.

9. Plaintiffs admit the allegations set forth in Paragraph 9 of Third-Party Defendant's counterclaim.

10. Plaintiffs admit the allegations set forth in Paragraph 10 of Third-Party Defendant's counterclaim.

11. Plaintiffs deny the allegations set forth in Paragraph 11 of Third-Party Defendant's counterclaim.

WHEREFORE, the Plaintiffs respectfully request that the Third-Party Defendant, RE/MAX Integrity Realtors, Inc., counterclaim to be dismissed with costs and reasonable attorney's fees for the Plaintiffs.

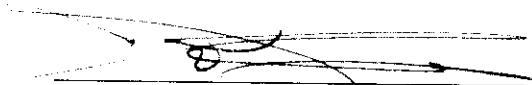
Respectfully submitted,

BPB, LLC and HOMEBASE PROPERTIES, LLC
d/b/a Munchies'

Plaintiffs

By Their Attorney

Dated: May 25, 2004



DAVID R. CIANFLONE, Esquire (BBO #542152)
Cianflone & Cianflone, P.C.
59 Bartlett Avenue
Pittsfield, MA 01201
(413) 447-7366

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CERTIFICATE OF SERVICE

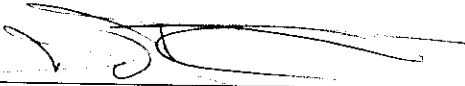
I, David R. Cianflone, Esquire, hereby certify that on this 25th day of May, 2004, I served a true copy of the within Answer to Third-Party Defendant, RE/MAX Integrity Realtors, Inc.'s, Counterclaim upon the Third-Party Defendant by first class U. S. Mail, postage prepaid, to its counsel:

Michael D. Hashim, Jr., Esquire
HASHIM & SPINOLA
82 Wendell Avenue
Pittsfield, MA 01201

Kenneth P. Ferris, Esquire
HASHIM & SPINOLA
82 Wendell Avenue
Pittsfield, MA 01201

and Defendant, Joseph J. Miller, by first class U. S. Mail, postage prepaid, to its counsel:

Douglas J. Rose, Esquire
DONOVAN & O'CONNOR, LLP
1330 Mass MoCA Way
North Adams, MA 01247


Attorney for the Plaintiffs